United Nations A/C.5/64/L.33

General Assembly

Distr.: Limited
19 March 2010

Original: English

Sixty-fourth session
Fifth Committee
Agenda item 132
Programme budget for the biennium 2010-2011

Draft resolution submitted by the Chair of the Committee following informal consultations

Conditions of service for the ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

The General Assembly,

Recalling its resolution 63/259 of 24 December 2008 and section II, paragraph 10, of its resolution 64/239 of 24 December 2009,

Bearing in mind the completion strategies of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia set out by the Security Council, requiring expeditious completion of cases,

Also bearing in mind that the permanent and ad litem judges of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia shall be persons of high moral character, impartiality and integrity,

Affirming that the ad litem judges of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia benefit from the same terms and conditions of service mutatis mutandis as the permanent judges of the Tribunals, pursuant to the statutes of the Tribunals,

Recognizing that, as at 17 March 2010, 17 ad litem judges of the Tribunals have served for an uninterrupted period of service of three years or more,

Also recognizing that the permanent judges of the Tribunals are entitled to pensions after serving for at least three years,

Further recognizing the decisions to extend the terms of office of the ad litem judges of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia beyond a cumulative period of service of three years, in the greater interest of successful implementation of the completion strategies of the Tribunals,

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Acknowledging that ad litem judges at the Tribunals have significantly contributed to the implementation of the completion strategies,

Also acknowledging that the workload of the ad litem judges and permanent judges of the Tribunals is identical and that their responsibilities are nearly identical, despite the prevailing differences in their terms and conditions of service,

Having considered the report of the Secretary-General on conditions of service for the ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

1. *Takes note* of the report of the Secretary-General;[1]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[2] subject to the provisions of the present resolution;

3. *Emphasizes* that the Fifth Committee is the appropriate Main Committee of the General Assembly for administrative and budgetary questions;

4. *Welcomes* the efforts and commitment of the judges to the successful implementation of the completion strategies of the respective Tribunals;

5. *Decides* that the matter of the difference in pension rights between ad litem judges and permanent judges of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia shall be resolved as a priority of the General Assembly at the main part of its sixty-fifth session;

6. *Also decides* that, in future, when an extension of mandates for ad litem judges with budgetary implications is being sought, matters relating to the conditions of service should be brought to the attention of the Fifth Committee, as the appropriate Main Committee of the General Assembly with authority for determining the conditions of service;

7. *Further decides* that the decisions to be taken with respect to paragraph 5 of the present resolution shall apply to all ad litem judges of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia who have served for an uninterrupted period of service of three years or more;

8. *Requests* the Secretary-General to include a comprehensive actuarial study of the cost of extending pensions to the ad litem judges of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia in his report requested pursuant to section I, paragraph 8, of General Assembly resolution 63/259;

9. *Decides* to continue its consideration of the report of the Secretary-General and the related report of the Advisory Committee on Administrative and Budgetary Questions at the main part of its sixty-fifth session.

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[1] A/64/635 and Corr.1.

[2] A/64/7/Add.20.